

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY J. GOTTSCH,
JULIE A. DUNBAR and
CANDACE M. HOHLFELD,

Defendants.

8:05CR253

ORDER

This matter is before the court on the motions for an extension of time by defendant Danny J. Gottsch (Gottsch) (Filing No. 29) and Gottsch's motion to continue an evidentiary hearing tentatively scheduled for 1:30 p.m. on August 23, 2005 (Filing No. 31). Also pending before the court is co-defendant Dunbar's motion to suppress (Filing No. 28). Gottsch seeks an extension of time to August 26, 2005, in which to file pretrial motions pursuant to paragraph 3 of the progression order. Defense counsel represents to the court that counsel for the government has no objection to the extension. Gottsch has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Gottsch consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 30). Upon consideration, the motions will be granted.

IT IS ORDERED:

1. Defendant Gottsch's motion for an extension of time (Filing No. 29) is granted. Defendant Gottsch is given until **on or before August 26, 2005**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 17, 2005 and August 26, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. Gottsch's motion to continue the evidentiary hearing (Filing No. 31) is granted. The tentative setting of an evidentiary hearing for 1:30 p.m. on August 23, 2005, is **canceled**.

3. An evidentiary hearing on all pending motions by all defendants in this matter is scheduled before the undersigned magistrate judge in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111, South 18th Plaza, Omaha, Nebraska, is scheduled for **9:00 a.m. on September 8, 2005**. Defendants with pending motions must be in attendance.

DATED this 17th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge